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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/645,073	05/13/1996	MAKOTO YOSHIOKA	1046.1133/JD	4943

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/645,073

Applicant(s)

YOSHIOKA ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 6/3/2004.
2. Claims 1-25 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 are rejected under 35

U.S.C. 103 (a) as being unpatentable over Yamauchi et al. (U.S. Pat. No. 5,613,109)

and Min (U.S. Pat. No. 5,175,716) in view of De Pommery et al. (U.S. Pat. No.

4,450,535) in view of Chigira ( U.S. Pat. No. 5,163,356).

As per claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 Yamauchi substantially discloses a data reproduction that comprises a storage unit for storing element data or namely a CD-ROM (which is seen to read to read as Applicant's claimed invention wherein it is stated that a period reader reading an effective period stored on an individual self contained computer readable content medium, the content medium indicating the requestable period of time during which a content on the content medium can be served);

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a comparator for judging data (see., abstract, col 3, lines 5-30). It is to be noted that Yamauchi fails to disclose that the judging data (or comparator or generator) is for judging present time that falls within the requestable period time.

However, Min discloses a comparator for comparing the numbers of the tracks based on the a first time period and second time period [ or effective time period] (see., col 4, lines 22-40, col 5, lines 11-30). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the reproduction data of Yamauchi by including the limitations detailed above as taught by Min because such modification would detect the number of tracks (or store data) moved.

Yamauchi and Min fail to disclose Applicant's newly added limitations wherein said a key to unlock content stored thereon. De Pommery discloses a method/system for distribution of articles or services, wherein a LOCKF area for validating the content of the creation memory and a key for protecting reading operations or lock or unlock content (see., col 6, lines 42-55, col 14, lines 56-68, col 15, lines 1-52, figs 6, 17, and 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Yamauchi and Min by including the locking content of de Pommery because such modification would provide prevent access to the medium.

Yamauchi, Min, and De Pommery fail to disclose Applicant's newly added limitation wherein said calendar sales. Chigira discloses a prediction for future sale based on a calendar information and a record of sale stored in a first memory (see., abstract, col 6, lines 10-40. It would have been obvious to a person of ordinary skill in the art at the time

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the invention was made to modify the teachings of Yamauchi, Min, and Pommery by including the limitation indicated above as taught by Chigira because this would determine future sale based on the calendar record of sale.

5. Claims 2, 4, 5, 7, 8, 13 and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yamauchi et al. (U.S. Pat. No. 5,613,109) in view of Min (U.S. Pat. No. 5,175,716), De Pommery et al. (U.S. Pat. No. 4,450,535) and further in view of Chigira.

**As per claims 2, 4, 5, 7, 8, 13 and 14 Yamauchi** substantially discloses a data reproduction that comprises a storage unit for storing element data or namely a CD-ROM (which is equivalent to Applicant's claimed invention wherein it is stated that a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served);

a comparator for judging data (see., abstract, col 3, lines 5-30). It is to be noted that Yamauchi fails to disclose that the judging data (or comparator or generator) is for judging present time that falls within the requestable period time.

However, **Min** discloses a comparator for comparing the numbers of the tracks based on the a first time period and second time period [ or effective time period] (see., col 4, lines 22-40, col 5, lines 11-30). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the reproduction

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data of Yamauchi by including the limitations detailed above as taught by Min because such modification would detect the number of tracks (or store data) moved.

**Yamauchi and Min** fail to disclose a locked content for locking area of the medium.

However, De Pommery discloses a method/system for distribution of articles or services, wherein a LOCKF area for validating the content of the creation memory and a key for protecting reading operations or lock or unlock content (see., col 6, lines 42-55, col 14, lines 56-68, col 15, lines 1-52, figs 6, 17, and 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Yamauchi and Min by including the locking content of de Pommery because such modification would provide prevent access to the medium.

Yamauchi, Min, and De Pommery fail to disclose Applicant's newly added limitation wherein said calendar sales. Chigira discloses a prediction for future sale based on a calendar information and a record of sale stored in a first memory (see., abstract, col 6, lines 10-40. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Yamauchi, Min, and Pommery by including the limitation indicated above as taught by Chigira because this would determine future sale based on the calendar record of sale.

### **RESPONSE TO ARGUMENTS**

6. Applicant's arguments filed on 06/03/2004 have been fully considered but they are moot in view of new ground (s) of rejection. Necessitated by amendment.

### ***Conclusion***

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary patent examiner

August 10, 2004